

108TH CONGRESS  
1ST SESSION

# S. 1923

To reauthorize and amend the National Film Preservation Act of 1996.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2003

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To reauthorize and amend the National Film Preservation Act of 1996.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—REAUTHORIZATION OF**  
4 **THE NATIONAL FILM PRESER-**  
5 **VATION BOARD**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “National Film Preser-  
8 vation Act of 2003”.

1 **SEC. 102. REAUTHORIZATION AND AMENDMENT.**

2 (a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Sec-  
 3 tion 103 of the National Film Preservation Act of 1996  
 4 (2 U.S.C. 179m) is amended:

5 (1) in subsection (b)—

6 (A) by striking “film copy” each place that  
 7 term appears and inserting “film or other ap-  
 8 proved copy”;

9 (B) by striking “film copies” each place  
 10 that term appears and inserting “film or other  
 11 approved copies”; and

12 (C) in the third sentence, by striking  
 13 “copyrighted” and inserting “copyrighted, mass  
 14 distributed, broadcast, or published”; and

15 (2) by adding at the end the following:

16 “(c) COORDINATION OF PROGRAM WITH OTHER  
 17 COLLECTION, PRESERVATION, AND ACCESSIBILITY AC-  
 18 TIVITIES.—In carrying out the comprehensive national  
 19 film preservation program for motion pictures established  
 20 under the National Film Preservation Act of 1992, the  
 21 Librarian, in consultation with the Board established pur-  
 22 suant to section 104, shall—

23 “(1) carry out activities to make films included  
 24 in the National Film registry more broadly acces-  
 25 sible for research and educational purposes, and to  
 26 generate public awareness and support of the Reg-

1       istry and the comprehensive national film preserva-  
2       tion program;

3           “(2) review the comprehensive national film  
4       preservation plan, and amend it to the extent nec-  
5       essary to ensure that it addresses technological ad-  
6       vances in the preservation and storage of, and access  
7       to film collections in multiple formats; and

8           “(3) wherever possible, undertake expanded ini-  
9       tiatives to ensure the preservation of the moving  
10      image heritage of the United States, including film,  
11      videotape, television, and born digital moving image  
12      formats, by supporting the work of the National  
13      Audio-Visual Conservation Center of the Library of  
14      Congress, and other appropriate nonprofit archival  
15      and preservation organizations.”.

16      (b) NATIONAL FILM PRESERVATION BOARD.—Sec-  
17      tion 104 of the National Film Preservation Act of 1996  
18      (2 U.S.C. 179n) is amended—

19           (1) in subsection (a)(1) by striking “20” and  
20      inserting “22”;

21           (2) in subsection (a) (2) by striking “three”  
22      and inserting “5”;

23           (3) in subsection (d) by striking “11” and in-  
24      serting “12”; and

1           (4) by striking subsection (e) and inserting the  
2           following:

3           “(e) REIMBURSEMENT OF EXPENSES.—Members of  
4           the Board shall serve without pay, but may receive travel  
5           expenses, including per diem in lieu of subsistence, in ac-  
6           cordance with sections 5702 and 5703 of title 5, United  
7           States Code.”.

8           (c) RESPONSIBILITIES AND POWERS OF BOARD.—  
9           Section 105(c) of the National Film Preservation Act of  
10          1996 (2 U.S.C. 179o) is amended by adding at the end  
11          the following:

12           “(3) REVIEW AND APPROVAL OF SPECIAL  
13          FOUNDATION PROJECTS.—The Board shall review  
14          special projects submitted for its approval by the  
15          National Film Preservation Foundation under sec-  
16          tion 151711 of title 36, United States Code.”.

17          (d) NATIONAL FILM REGISTRY.—Section 106 of the  
18          National Film Preservation Act of 1996 (2 U.S.C. 179q)  
19          is amended by adding at the end the following:

20           “(e) NATIONAL AUDIO-VISUAL CONSERVATION CEN-  
21          TER.—The Librarian shall utilize the National Audio-Vis-  
22          ual Conservation Center of the Library of Congress at  
23          Culpeper, Virginia, to ensure that preserved films included  
24          in the National Film Registry are stored in a proper man-

ner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

“(1) title 17 of the United States Code; and

“(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.”.

(e) USE OF SEAL.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q) is amended—

(1) in paragraph (1), by inserting “in any format” after “or any copy”; and

(2) in paragraph (2), by striking “or film copy” and inserting “in any format”.

(f) EFFECTIVE DATE.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking “7” and inserting “17”.

## **TITLE II—REAUTHORIZATION OF THE NATIONAL FILM PRESER- VATION FOUNDATION**

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “National Film Preservation Foundation Reauthorization Act of 2003”.

### **SEC. 202. REAUTHORIZATION AND AMENDMENT.**

(a) BOARD OF DIRECTORS.—Section 151703 of title 36, United States Code, is amended—

1           (1) in subsection (b)(2)(A), by striking “nine”  
 2           and inserting “12”; and

3           (2) in subsection (b)(4), by striking the second  
 4           sentence and inserting “There shall be no limit to  
 5           the number of terms to which any individual may be  
 6           appointed.”.

7           (b) POWERS.—Section 151705 of title 36, United  
 8           States Code, is amended in subsection (b) by striking  
 9           “District of Columbia” and inserting “the jurisdiction in  
 10          which the principal office of the corporation is located”.

11          (c) PRINCIPAL OFFICE.—Section 151706 of title 36,  
 12          United States Code, is amended by inserting “, or another  
 13          place as determined by the board of directors” after “Dis-  
 14          trict of Columbia”.

15          (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
 16          151711 of title 36, United States Code, is amended by  
 17          striking subsections (a) and (b) and inserting the fol-  
 18          lowing:

19          “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
 20          are authorized to be appropriated to the Library of Con-  
 21          gress amounts necessary to carry out this chapter, not to  
 22          exceed \$500,000 for each of the fiscal years 2004 and  
 23          2005, and not to exceed \$1,000,000 for each of the fiscal  
 24          years 2006 through 2013. These amounts are to be made  
 25          available to the corporation to match any private contribu-

tions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

“(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.”.

(e) COOPERATIVE FILM PRESERVATION.—

(1) IN GENERAL.—Chapter 1517 of title 36, United States Code, is amended—

(A) by redesignating sections 151711 and 151712 as sections 151712 and 151713, respectively; and

(B) by adding at the end the following:

**“§ 151711. Cooperative film preservation**

“(a) COOPERATIVE FILM PRESERVATION.—

“(1) IN GENERAL.—The corporation shall design and support cooperative national film preservation and access initiatives. Such initiatives shall be approved by the corporation, the Librarian of Congress, and the National Film Preservation Board of the Library of Congress under section 105(c)(3) of the National Film Preservation Act of 1996.

1           “(2) SCOPE.—Cooperative initiatives authorized  
2           under paragraph (1) may include—

3                   “(A) the repatriation and preservation of  
4                   American films that may be found in archives  
5                   outside of the United States;

6                   “(B) the exhibition and dissemination via  
7                   broadcast or other means of “orphan” films;

8                   “(C) the production of educational mate-  
9                   rials in various formats to encourage film pres-  
10                  ervation, preservation initiatives undertaken by  
11                  3 or more archives jointly; and

12                  “(D) other activities undertaken in light of  
13                  significant unfunded film preservation and ac-  
14                  cess needs.

15           “(b) AUTHORIZATION OF APPROPRIATIONS.—

16                   “(1) IN GENERAL.—There are authorized to be  
17                   appropriated to the Library of Congress amounts  
18                   not to exceed \$1,000,000 for each of the fiscal years  
19                   2006 through 2013, to carry out the purposes of  
20                   this section.

21                   “(2) MATCHING.—The amounts made available  
22                   under paragraph (1) are to be made available to the  
23                   corporation to match any private contributions  
24                   (whether in currency, services, or property) made to



1 the corporation by private persons and State and  
 2 local governments.

3 “(3) LIMITATION RELATED TO ADMINISTRATIVE  
 4 EXPENSES.—Amounts authorized under this section  
 5 may not be used by the corporation for management  
 6 and general or fundraising expenses as reported to  
 7 the Internal Revenue Service as part of an annual  
 8 information return required under the Internal Rev-  
 9 enue Code of 1986.”.

10 (2) TECHNICAL AND CONFORMING AMEND-  
 11 MENT.—The table of sections for chapter 1517 of  
 12 title 36, United States Code, is amended by striking  
 13 the matter relating to section 151711 and 151712  
 14 and inserting the following:

“151711. Cooperative film preservation.

“151712. Authorization of appropriations.

“151713. Annual report.”.

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